

1 REMARKS

2 Status of the Claims

3 Claims 1, 3-12, 30-33, 36, 37, 42, 44, 45, 47, 59 and 60 are pending in the present application,
4 Claims 13-29, 34, 35, 38, 39, 46, and 48-58 having been canceled as being directed to non-elected
5 inventions, Claims 2, 40, 41, and 43 having been otherwise canceled, and new Claims 59 and 60
6 having been added in the present response. Claims 1, 3, 4, 8, 9, 30, 42, and 44, 45, and 47 have been
7 amended to more clearly define the invention.

8 Objection to Claim 8

9 The Examiner has noted that Claim 8 includes a typographical error (pluralityof).
10 Appropriate correction has been made, and applicants now request that the Examiner withdraw this
11 objection.

12 Rejection of Claims 1, 2, and 4-8

13 The Examiner has rejected Claims 1, 2, and 4-8 as being anticipated by U.S. Patent
14 No. 5,445,608 (hereinafter referred to as Chen '608). The Examiner asserts that Chen '608 discloses
15 an equivalent structure. Applicants have amendment independent Claim 1 to distinguish over the
16 cited art.

17 As amended, Claim 1 recites the following structure: an elongate flexible body having at
18 least one lumen, a light source array disposed proximate a distal end of the elongate flexible body,
19 leads to couple the light source array to a power source, a distally disposed diffusion element, and
20 optical fibers extending between the light source array and the diffusion element. This structure
21 patentably distinguishes over the cited art for substantially the same reasons that lead the Examiner to
22 object to Claim 45. Claims 4-8 (as well as Claims 9-12, which are to be rejoined upon the allowance
23 of a linking claim, such as Claim 1) depend upon Claim 1, and are patentable for at least the same
24 reasons. Accordingly, the rejection of Claims 1 and 4-8 should be withdrawn (Claim 2 having been
25 canceled).

26 Rejection of Claims 30-33, 36, 37, and 40

27 The Examiner has rejected Claims 30-33, 36, 37, and 40 as being anticipated by U.S. Patent
28 No. 5,800,478 (hereafter referred to as Chen '478). The Examiner asserts that Chen '478 discloses an
29 equivalent structure. Applicants have amended independent Claim 30 to distinguish over the cited
30 art.

Claim 30 has been amended to recite the patentable elements of Claim 43 (to which the Examiner objected), including the elements recited in intervening claims. Claim 30 as amended thus corresponds to rewriting Claim 43 in independent form. It is well accepted that each dependent claim is patentable for at least the same reasons as the claims from which they depend. Accordingly, the rejection of Claims 30-33, 36, and 37 should be withdrawn. Note that intervening Claims 40 and 41, which have been incorporated into amended Claim 30, are now canceled.

Patentability of Newly Added Claims

Applicants have added new Claims 59 and 60, neither of which introduces any new matter.

New Claim 59 represents rewriting Claim 45 (to which the Examiner objected) in independent form.

New Claim 60 represents rewriting Claim 1 to incorporate the patentable subject matter of Claim 45 (to which the Examiner objected). While Claim 1 is not identical to rewriting Claim 45 in independent form (i.e., Claim 59), applicants believe that Claim 60 is patentable for the same reasons as Claim 59.

Rejoining of Claims 9-12, 42, 44, and 47

The Examiner has indicated that Claims 9-12, 42, 44, and 47 have been withdrawn from consideration as being directed to a non-elected species. However, applicants have amended independent Claims 1 and 30, so that each now represents a generic or linking claim. Accordingly, Claims 9-12, 42, 44, and 47 should be rejoined to the application. Each such claim is now patentable for at least the same reasons as the respective generic or linking claim from which it depends.

In view of the Remarks set forth above, it will be apparent that all of the claims in this application define a novel and non-obvious invention, and that the application is in condition for allowance and should be passed to issue without further delay. Should any further questions remain, the Examiner is invited to telephone applicants' attorney at the number listed below.

Respectfully submitted,

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